IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

OP.No. 7299 of 2003(R)

PETITIONER:

M.K.JAYALAKSHMI, W/O. UMESH,
AGED 43 YEARS, 7/172, VAZHATH LANE,
EMILIE, KALPETTA.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENTS:

1. **THE SECRETARY,**
   KALPETTA MUNICIPALITY, KALPETTA.

2. **THE SECRETARY,**
   LOCAL ADMINISTRATION DEPARTMENT, TRIVANDRUM.

BY ADV. SRI.A.K.SRINIVASAN
SRI.N.S.MOHAMMED USMAN
SRI.A.S.BENOY

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

O.P. No. 7299 OF 2003 R

Dated this the 4th day of January, 2007

J U D G M E N T

The petitioner has filed this original petition seeking the following reliefs:

> (i) to issue a writ of mandamus direction the 1st respondent to permit the petitioner to do the contingent work as per Exts.P4 and P5;
>
> (ii) issue a writ of mandamus directing the 2nd respondent to take action against the officials concerned who violated the Ext.P4 order.

2. Apparently, the petitioner is aggrieved by the direction given by the respondents regarding the work arrangement of the petitioner directing her to work in a tractor. Now the counsel for the respondents submits that subsequently the petitioner has been given the work of sweeping inside a market of the Municipality and, therefore, the prayers in this original petition have become infructuous. However, it appears that the petitioner has filed IA. No.14316/06 seeking a stay of Ext.P11, in respect of which petitioner seeks reliefs. Ext.P11 is a memo dated 7.10.2006, wherein the petitioner has been directed to show cause why disciplinary proceedings should not be initiated against the petitioner for alleged misconducts committed by her. In view of the fact that the

prayers in the original petition does not include a challenge against Ext.P11, the petitioner cannot independently claim stay of Ext.P11 in this original petition unless she gets the original petition amended including a challenge against Ext.P11 also. In any event, Ext.P11 is only a show cause memo against which the petitioner has filed Ext.P12 explanation. That being so, her grievance against Ext.P11 is also premature. It would be open to the petitioner to challenge any orders which may be passed pursuant to Ext.P11 in accordance with law. Subject to such right of the petitioner, this original petition is closed recording the submission of the learned standing counsel for the respondents that the petitioner has subsequently been given the work of sweeping the market instead of work in the tractor.

(S. SIRI JAGAN, JUDGE)

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S. SIRI JAGAN , J.

OP No.7299/03 R

J U D G M E N T

4th January, 2007